# Language Access

## Title VI and Ensuring Meaningful Access for Limited English Proficient (LEP) Individuals

U. S. Environmental Protection Agency
Office of Civil Rights
External Compliance and Complaints Program

[Date/Time]

Introduction.
Lets make sure that everyone has the handouts and copies of PPT slides for this portion of the training.

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# Chapters

☐EPA's Legal Authority
☐Language Access Terms
☐What are the 4 Factors?
☐Language Services
☐Creating a Language Access Program
☐Language Assistance Plan
☐Resources

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# EPA's LEP Legal Authority

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# Title VI - Law and EPA's Regulations

- Section 601 of Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. §2000d to 2000d-7), prohibits recipients of federal financial assistance from discriminating on the basis of race, color, or national origin in their programs or activities.

- Section 602 authorizes and directs Federal agencies that are empowered to extend Federal financial assistance to any program or activity "to effectuate the provisions of [section 601] * * * by issuing rules, regulations, or orders of general applicability."

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# Title VI - Law and EPA's Regulations (Continued)

> Title VI itself prohibits intentional discrimination.

> Under EPA's Title VI implementing regulations, found at 40 C.F.R. Part 7, EPA-funded entities are prohibited from taking acts, including permitting actions, that are intentionally discriminatory or have a discriminatory *effect* based on race, color, or national origin.

FAQ Regarding Title VI and LEP: http://go.usa.gov/bsa

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# Who Is Covered?

➢ Under EPA's Title VI implementing regulations, found at 40 C.F.R. Part 7, all recipients (sub-recipients and contractors) of federal financial assistance from EPA are required to provide meaningful access to LEP persons.

➢ Federal financial assistance includes grants, technical assistance grants, use of equipment, donations of surplus property, and other assistance.

➢ Applies to recipients in their programs and activities. The clause "program or activity" embraces all activities of a state or local agency that receive federal financial assistance.

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A recipient is defined as "any state or its political subdivision, any instrumentality of a state or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended directly or through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance." [25

EPA assistance is defined "as any grant or cooperative agreement, loan, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which EPA provides or otherwise makes available assistance in the form of: Funds; Services of personnel; or Real or personal property or any interest in or use of such property, including: Transfers or leases of such property for less than fair market value or for reduced consideration; and Proceeds from a subsequent transfer or lease of such property if EPA's share of its fair market value is not returned to EPA." [26] Recipients of EPA assistance include, for example:Show citation box
Nonprofit agencies or community groups that receive technical assistance grants to interpret and disseminate information related to Superfund hazardous waste sites.
State and local government agencies that receive grants to implement effective environmental management programs.

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# Executive Order 13166

➢ Contains two major initiatives for Federal agencies:

1. Directs each Federal agency to issue guidance pursuant to Title VI of the Civil Rights Act of 1964 to ensure that recipients of Federal financial assistance take reasonable steps to provide meaningful access to their programs and activities by LEP person.

   - On June 20, 2004, the Environmental Protection Agency (EPA) published a guidance specifically for its recipients, which are primarily state and local environmental agencies and departments.

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# Executive Order 13166 (Continued)

2. Each Federal agency is directed to examine the services it provides, and then identify, develop, and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency.

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# Language Access Terms

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# Language Access Terms

- Limited English Proficient (LEP)
  - LEP-Individuals who do not speak English as their primary language and have a limited ability to read, speak, write, or understand English. The U.S. Census Bureau defines individuals who speak English **"less than very well"** as limited English proficient (LEP).

- Language Access
  - Refers to the right of LEP individuals to receive meaningful access to federally funded "recipient" programs, benefits, services, and information.

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First, I wanted to explain a few terms that I will be using throughout this presentation.

LEP-Individuals who do not speak English as their primary language and have a limited ability to read, speak, write, or understand English. The U.S. Census Bureau defines individuals who speak English "less than very well" as limited English proficient (LEP).

Language access- refers to the right of LEP individuals to receive meaningful access to federally funded "recipient" programs, benefits, services and information.

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# Language Access Terms

> Language Access Program: Includes policies, plans, and procedures to ensure effective communication with LEP individuals. These should be written and incorporated as part of staff training.

> Language Assistance Services: includes interpreters oral services, and translation written services. The **difference between an interpreter and a translator:** Interpretation is the act of listening to something in one language and orally translating it into another language. Translation is the replacement of a written text from one language into an equivalent written text in another language.

> Meaningful Access: language assistance services that result in accurate, timely, and effective communication at no cost to the LEP individual. **Remember effective communication is the goal.**

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Language Access program- policies, plans, and procedures to ensure effective communication with LEP individuals. These should be written and incorporated as part of staff training.

Language assistance services includes interpreters oral services, and translation written services. The difference between an interpreter and a translator: Interpretation is the act of listening to something in one language and orally translating it into another language.
Translation is the replacement of a written text from one language into an equivalent written text in another language.

Meaningful Access- language assistance services that result in accurate, timely, and effective communication at no cost to the LEP individual. Remember effective communication is the goal.

Language for LEP individuals can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying
with applicable responsibilities, or understanding other information provided by a recipient's programs and activities.

Awareness of rights or services is an important part of "meaningful access." Lack of awareness that a particular program, right, or service exists may effectively deny LEP individuals meaningful access.

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# What is an LEP person?

- A Limited English Proficient Person:
  - The person has a "first language other than English and a limited ability to read, speak, or understand English."
  - This means persons who are unable to communicate effectively in English because their primary language is not English and they have not developed fluency in the English language.
  - A person with Limited English Proficiency may have difficulty speaking or reading English.

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# What is an LEP person?

➢An LEP person will benefit from an interpreter who will translate to and from the person's primary language.

➢An LEP person may also need documents written in English translated into his or her primary language so that person can understand important documents associated to activities or services related to the  human health and environment.

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# Examples of populations

- ➢ Examples of populations likely to include LEP persons who are encountered and/or served by EPA recipients and should be considered when planning language services include, but are not limited to:
  - Persons who live in communities in close proximity to a plant or facility that is permitted or regulated by an EPA recipient.
  - Persons subject to, or affected by environmental protection, clean-up, and enforcement actions of an EPA recipient.
  - Persons who seek to enforce or exercise rights under Title VI or environmental statutes and regulations.

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# What are the four factors?

➢ **The Four Factor Assessment:** Recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. While designed to be flexible and fact-dependent, the starting point is an individualized assessment that balances the following four factors:

- The number or proportion of LEP persons encountered in the impacted population.

- The frequency with which LEP individuals come in contact with the program or activity.

- The nature and importance of the program, activity, or service provided.

- Resources and costs.

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# Number or Proportion

- The number or proportion of LEP persons encountered in the impacted population.
  - Though LEP populations within the United States (U.S.) and U.S. territories may change over time, currently, the seven (7) most prominent languages other than English used by LEP persons are: (1) Spanish, (2) Mandarin Chinese (traditional), (3) Mandarin Chinese (simplified), (4) Vietnamese, (5) Korean, (6) Tagalog, and (7) Russian.
  - Consider prior interactions between the recipient and LEP community members, including the breadth and scope of language services needed in the past.
  - Consider LEP parent(s) when their English-proficient or LEP minor children and dependents encounter proposed action by an environmental agency in their community.

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One factor in determining what language services should be provided in EPA conducted programs or activities is the number or proportion of LEP persons from a particular language group served or encountered in the eligible population. This population includes persons in the geographic area that constitute the service area applicable to that particular program or activity. When considering the number or proportion of LEP individuals served or affected by a proposed EPA action in the community, EPA should take into account the number of LEP parents, legal guardians or recognized heads of household even if their children or other household members are proficient in English.

In determining the appropriate level of language assistance needed in a particular situation, EPA should first consider prior interactions between EPA and LEP community members, including the breadth and scope of language services needed in the past. In conducting this analysis, EPA should determine the language proficiency of populations that are eligible for its programs or activities and whether any populations are underserved because of existing language barriers. Other data should be consulted to refine or validate EPA's prior experience, including the latest census data for the area served, data from school systems and from community organizations, and data from state and local governments. The focus of the analysis is on lack of English proficiency. Note that demographic data may indicate the most frequently spoken languages other than English and the percentage of people who speak these languages. When using demographic data, it is important to focus on the languages spoken by those who are not proficient in English.

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# Frequency

➢The frequency with which LEP individuals come in contact with the recipient program or activity.

○The more frequent the contact with a particular language group, the more likely that enhanced language services in that language are needed.

○The steps that are reasonable for a recipient that serves an LEP person on a one-time basis will be very different than those expected from a recipient that serves LEP persons daily.

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The frequency with which LEP individuals come in contact with the recipient program or activity

The second factor in determining what language services EPA should provide is an assessment of the frequency with which it has or should have contact with LEP individuals from different language groups served by EPA. The more frequent the contact with a particular language group, the more likely that enhanced language services in that language are needed. The assessment will differ when EPA serves an LEP person on a one-time basis then when EPA serves LEP persons daily.

Less frequent contact with different language groups may suggest a different and less intense solution. If an LEP individual accesses a program or service on a daily basis, EPA has greater duties than it would have if the contact were unpredictable or infrequent. But even when EPA serves LEP persons on an unpredictable or infrequent basis, it should use this balancing analysis to determine specific services for LEP individuals under the program or activity in question. This approach need not be intricate. It may be as simple as being prepared to use one of the commercially available telephonic interpretation services to provide immediate interpreter services. In applying this standard, EPA should take care to consider whether appropriate outreach to LEP persons could     increase the frequency of contact with LEP language groups.

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# Frequency (Continued)

➢ It is also advisable to consider the frequency of different types of language contacts.
  ○ For example, frequent contacts with Spanish-speaking people who are LEP may require certain assistance in Spanish.
  ○ Less frequent contact with different language groups may suggest a different and less intensified solution.

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# Nature and Importance

➢ The nature and importance of the program, activity, or service provided by EPA's recipients.

    ○ The more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language services are needed.

    ○ Decision by EPA's recipients to make an activity, warning, or notice compulsory, such as efforts about lead-based paint, can serve as strong evidence of the program's importance.

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The nature and importance of the program, activity, or service provided by EPA

The third factor concerns the nature and importance of the matter – the more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language services are needed.  For example, EPA's obligation to communicate information to a person who may be adversely impacted by immediate water source contamination or by a sudden release of airborne toxic chemicals differs from providing information on efforts to increase recycling.  Where denial or delay of access to services or information could have serious or even life threatening implications for the LEP individual, the need for language services is extremely high. Similarly, a decision by EPA to make an activity, warning, or notice compulsory, such as efforts about lead-based paint, can serve as strong evidence of the program's importance.

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## Resources and Costs

- Resources and costs
  - EPA's recipients should carefully explore the most cost-effective means of delivering competent and accurate language services.
- Some approaches are:
  - Sharing of language assistance materials and services among and between offices and programs;
  - Telephonic and video conferencing interpretation services;
  - Pooling resources and standardizing documents to reduce translation needs;
  - Formalized use of qualified community volunteers.

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Resources and costs

Resources and costs may have an impact on the specific steps EPA takes to provide meaningful access to LEP persons.  EPA may incur reasonable costs and take reasonable steps to comply with the terms of this Order.  In doing so, EPA should weigh the costs of any particular approach it chooses against the benefits to be realized.  EPA should       carefully explore the most cost-effective means of delivering competent and accurate language services.  Resources and cost issues can often be reduced by technological advances and the implementation of sound business practices.

Some approaches that may reduce costs include but are not limited to:

Sharing of language assistance materials and services among and between EPA offices and programs;

Information sharing with industry groups;

Information sharing with advocacy or affinity groups;

Telephonic and video conferencing interpretation services;

Pooling resources and standardizing documents to reduce translation needs;

Using qualified translators and interpreters to ensure that documents need not be fixed later and that inaccurate interpretations do not cause delay or other costs; centralizing interpreter and translator services to achieve economies of scale;

Formalized use of qualified community volunteers.

Communicating More for Less Using Translation and Interpretation Technology to serve LEP Individuals
http://www.migrationpolicy.org/pubs/LEP-translationtechnology.pdf

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# Resources & Personnel

- Recipients should carefully explore the most cost-effective means of delivering competent and accurate language services before limiting services due to resource concerns.
- Consider employing bilingual staff in programs and activities where the number or percentage of LEP customers or potential customers is statistically significant, or where the frequency of contact with such persons makes the employment of bilingual staff a more cost effective, efficient, and effective mode for communication
- EPA's recipients should consider budgeting for language services to ensure that adequate resources exist for interpreters, translation and review of documents, and outreach.

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# Selecting Language Assistance Services

➢ Recipients have two main ways to provide language services:
- ◦ oral
- ◦ written language services

➢ Quality and accuracy of the language service is critical in order to avoid serious consequences to the LEP person and to the recipient.

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# Interpretation

➢Interpretation is the act of listening to something in one language and orally translating it into another language.

○ Must ensure that the interpreter has knowledge in both languages of any specialized terms or concepts peculiar to the entity's program or activity and of any particularized vocabulary and phraseology used by the LEP person.

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Hiring interpreters may be most helpful where there is a frequent need for interpreting services in one or more languages. Contract interpreters as well as the use of Telephone Interpreter Lines may be a cost-effective option when there is no regular need for a particular language skill.
See Guidance to Environmental Protection Agency Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 69 Fed. Reg. 39602. (June 25, 2004)

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# Interpretation (Continued)

➢ When using interpreters, recipients should ensure that they:

- Demonstrate proficiency in and ability to communicate information accurately in both English and in the other language and identify and employ the appropriate mode of interpreting (*e.g.*, consecutive, simultaneous, summarization, or sight translation).

- Have knowledge in both languages of any specialized terms or concepts peculiar to the entity's program or activity and of any particularized vocabulary and phraseology used by the LEP person.

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Recipients should also:
Understand and follow confidentiality and impartiality rules to the same extent the recipient employee for whom they are interpreting and/or to the extent their position requires;
Understand and adhere to their role as interpreters without deviating into a role as engineer, legal advisor, or other roles (particularly in administrative or public hearings).

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# Translation

> Translation is the replacement of a written text from one language into an equivalent written text in another language.

> *Into What Languages Should Documents be Translated?*
  - The languages spoken by the LEP individuals who are eligible to be served or directly affected by recipients programs or activities determine the languages into which vital documents should be translated. A distinction should be made, however, between languages that are frequently encountered by a recipient and less commonly-encountered languages.

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# Translation (Continued)

➢ Written materials could include, for example :
  ○ Consent and complaint forms.
  ○ Intake forms with the potential for important consequences.
  ○ Written notices of rights, denial, loss, or decreases in benefits or services.
  ○ Notices of disciplinary action, environmental hazards, or cease and desist orders.
  ○ Notices advising LEP persons of free language assistance.
  ○ Residential Lead-Based Paint Disclosure Program Forms and Pamphlets.
  ○ Consumption Advisories.
  ○ Written tests that do not assess English language competency, but test competency for a particular license, job, or skill for which knowing English is not required.
  ○ Applications to participate in a recipient's program or activity or to receive recipient benefits or services.

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# Translation (Continued)

➤ *Competence of Translators*
- As with oral interpreters, translators of written documents should be competent. Many of the same considerations apply, including the consideration that translators have knowledge in both languages of any specialized terms or concepts relevant to the program or activity.
- However, the skill of translating is very different from the skill of interpreting, and a person who is a competent interpreter may or may not be competent to translate.
- Competence can often be ensured by having a second, independent translator "check" the work of the primary translator.

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# Vital Documents

➤ Whether or not a document (or the information it disseminates or solicits) is "vital" may depend upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP person if the information in question is not provided accurately or in a timely manner.

  ○ Classifying a document as vital or non-vital is sometimes difficult, especially in the case of outreach materials like brochures or other information on rights and services.

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# Vital Documents (Continued)

➢Examples of Vital Documents:

- ○ Consent, complaint & intake forms.
- ○ Written notices of rights or denials.
- ○ Applications to participate.
- ○ Information on Recipient websites.

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# Notice of Language Services

- Translated written notices.

- Telephone menus.

- Outreach materials and websites.

- Non-English media.

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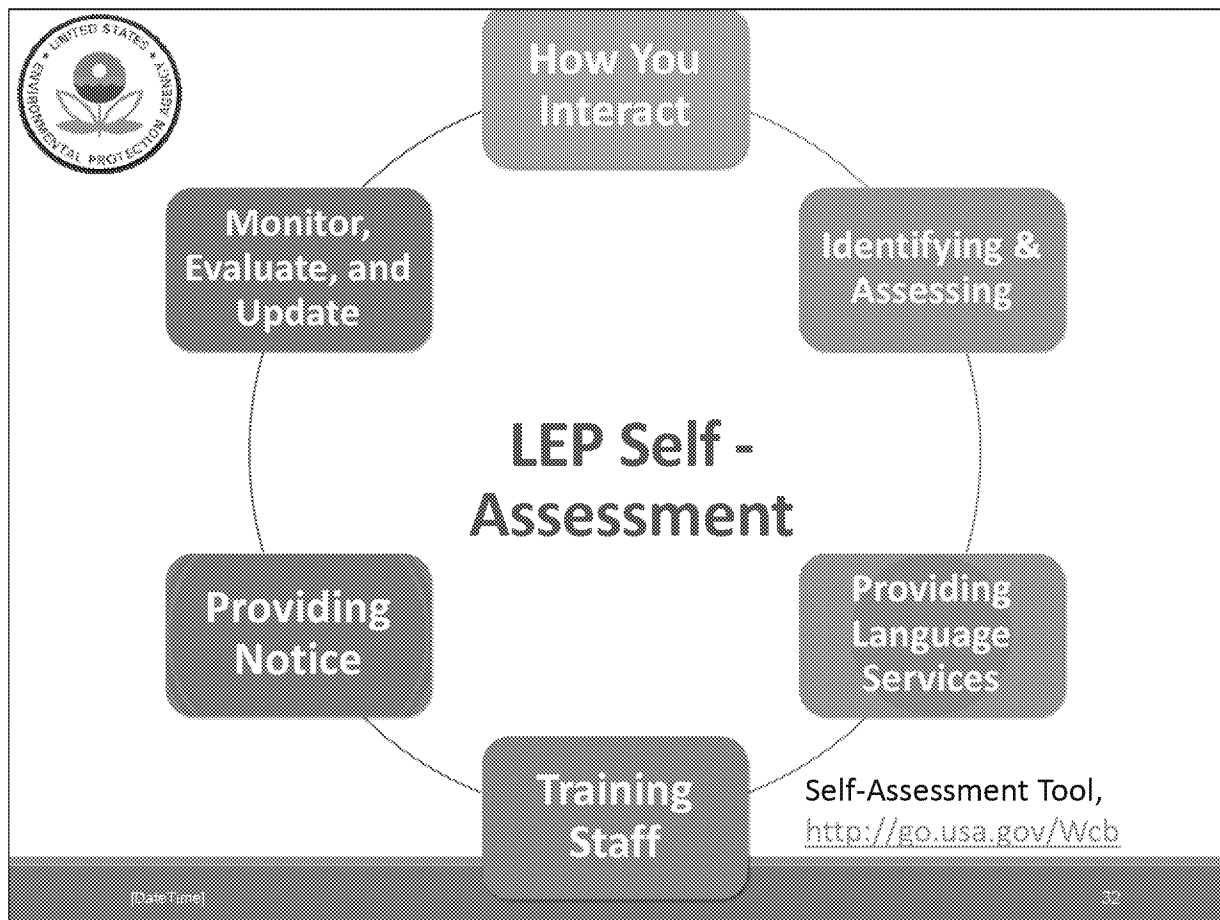
# Implementing LEP in Programs & Activities

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A self-assessment can help a Recipient determine if it communicates effectively with LEP individuals and can inform the language access program planning process.  The self-assessment included in the Language Access Planning & Assessment Tool available on www.LEP.gov approximates the elements that are part of effective language access policy directives and implementation plans.

These elements include:

Understanding how LEP individuals interact with a Recipient- do they call, come in-person, attend public meetings, send in applications, access your website or send electronic communication?

Identifying and assessing LEP communities. This is the number or proportion of LEP persons from each language group in your service area, those who are eligible for your programs and services, and the systems you have in place to track their primary language information.

Providing language assistance services- effective communication with LEP individuals requires appropriate language assistances services to be in place and available to staff.  There are two primary types: oral and written.  Oral language assistance services may come in the form of bilingual staff or an interpreter.  The replacement of written text from one language into another is called translation.

Training staff on policies and procedures- Staff who interact with the public should be trained on Recipient language access policies and the procedures for identifying the language needs of an LEP individual, accessing and providing the necessary language assistance services, working with interpreters, requesting document translations, track the use of language assistance services.

Providing notice of language assistance services. A Recipient must inform LEP individuals of their eligibility for benefits, programs, and services and the availability of language assistance services in a language they understand. This includes outreach materials translated into non-English  languages that describe the availability of free language assistance services.

Monitoring, evaluating, and updating the language access policy directives, plans, and procedures. A Recipient should assess how it provides language assistance services, whether these services are effective, that staff are trained and know how and when to provide services, and whether a Recipient's polices and procedures are effective or need to be improved.

Each of the elements help a Recipient identify items that need to be addressed by your program, which includes a language access plan, policy directives and procedures.

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# LEP Self-Assessment

> A self-assessment can help a Recipient determine if it communicates effectively with LEP individuals and can inform the language access program planning process. The self-assessment included in the Language Access Planning & Assessment Tool available on www.LEP.gov approximates the elements that are part of effective language access policy directives and implementation plans.

These elements include:

1. Understanding how LEP individuals interact with a Recipient- do they call, come in-person, attend public meetings, send in applications, access your website or send electronic communication?

2. Identifying and assessing LEP communities. This is the number or proportion of LEP persons from each language group in your service area, those who are eligible for your programs and services, and the systems you have in place to track their primary language information.

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# LEP Self-Assessment (Continued)

3. Providing language assistance services- effective communication with LEP individuals requires appropriate language assistances services to be in place and available to staff. There are two primary types: oral and written. Oral language assistance services may come in the form of bilingual staff or an interpreter. The replacement of written text from one language into another is called translation.

4. Training staff on policies and procedures- Staff who interact with the public should be trained on Recipient language access policies and the procedures for identifying the language needs of an LEP individual, accessing and providing the necessary language assistance services, working with interpreters, requesting document translations, track the use of language assistance services.

5. Providing notice of language assistance services. A Recipient must inform LEP individuals of their eligibility for benefits, programs, and services and the availability of language assistance services in a language they understand. This includes outreach materials translated into non-English languages that describe the availability of free language assistance services.

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# LEP Self-Assessment (continued)

6. Monitoring, evaluating, and updating the language access policy directives, plans, and procedures. A Recipient should assess how it provides language assistance services, whether these services are effective, that staff are trained and know how and when to provide services, and whether a Recipient's polices and procedures are effective or need to be improved.

Each of the elements help a recipient identify items that need to be addressed by your program, which includes a language access plan, policy directives and procedures.

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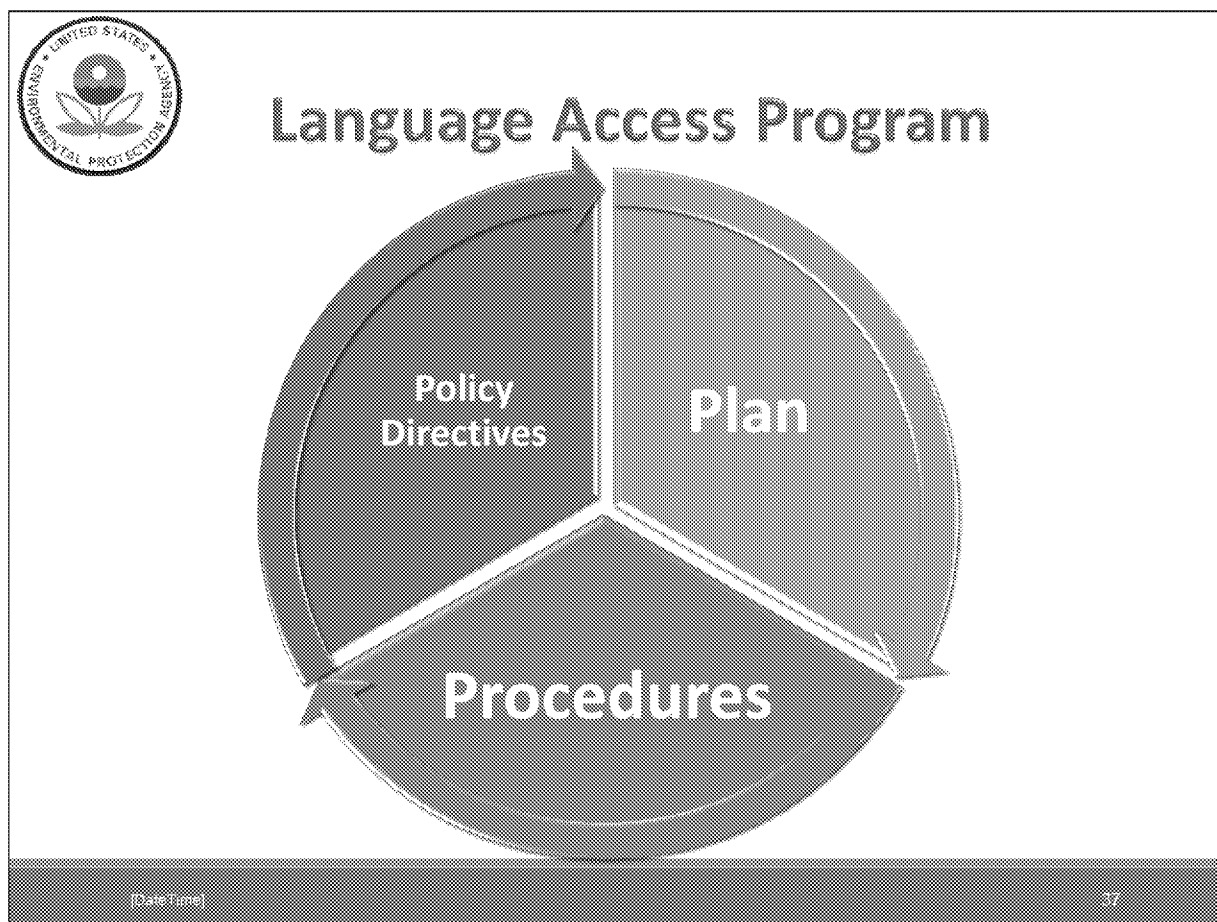
# Language Access Program

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Each recipient of federal financial assistance should establish a schedule to periodically evaluate and update Recipient LEP services and LEP policies, plans, and protocols. Updated LEP plans and an anticipated time frame for periodic review.

key components to a language access plan include:
Strong and clear language access policy directives; (purple wedge)
An overarching language access plan for your entire Recipient; and, (green wedge)
Underlying procedures that inform and reflect both the policy directives and the plan. (blue wedge)

Policy directives are the foundation of a comprehensive language access program and inform management's overarching plan. Once policy directives and a plan have been established, operational procedures can be developed and modified accordingly. And though we have presented distinct wedges – policy directives vs. plan vs. procedures – it's helpful to not get too stuck on the terminology. [or even the order] I think that's part of the reason why we chose arrows, you'll find when you actually sit down and write a Recipient's policy directives and plan, some procedures may become part of the plan. We've created these concepts and this visual to really get you thinking about the groups or collection of ideas that you will encounter moving forward.

At this point, I recognize that this is quite abstract so let's talk about specifics.

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# Policy Directives

> Policy directives set forth standards, operating principles, and guidelines that govern the delivery of language appropriate services.

> Policy directives may come in different forms but are designed to require the Recipient and its staff to ensure meaningful access. They can include the following components:

  ○ Purpose and Authority.
  ○ General Policy Statement.
  ○ Staff Compliance.
  ○ Language Assistance Measures.

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Generally a language access program has several components

Policy directives set forth standards, operating principles, and guidelines that govern the delivery of language appropriate services.  Policy directives may come in different forms but are designed to require the Recipient and its staff to ensure meaningful access. The can include the following components:

Purpose and Authority- provides the legal basis or administrative authority for a Recipient policy. (For recipients it would be based on Title VI and its implementing regulations.)
General Policy Statement which explains the goals and expectations of a Recipient.
Information that describes who must comply with the policy (e.g. divisions, units, or particular staff)
Language Assistance Measures –defines acceptable methods of communication with LEP persons and may further elaborate requirements re: data gathering, notice, or training.
The overall Language Access Policy Directives can also have a Definition of Terms, similar to what I described at the beginning of the presentation. This can be helpful so that all staff understand what words and phrases means, for example, translation, primary language, or Language Access Coordinator.

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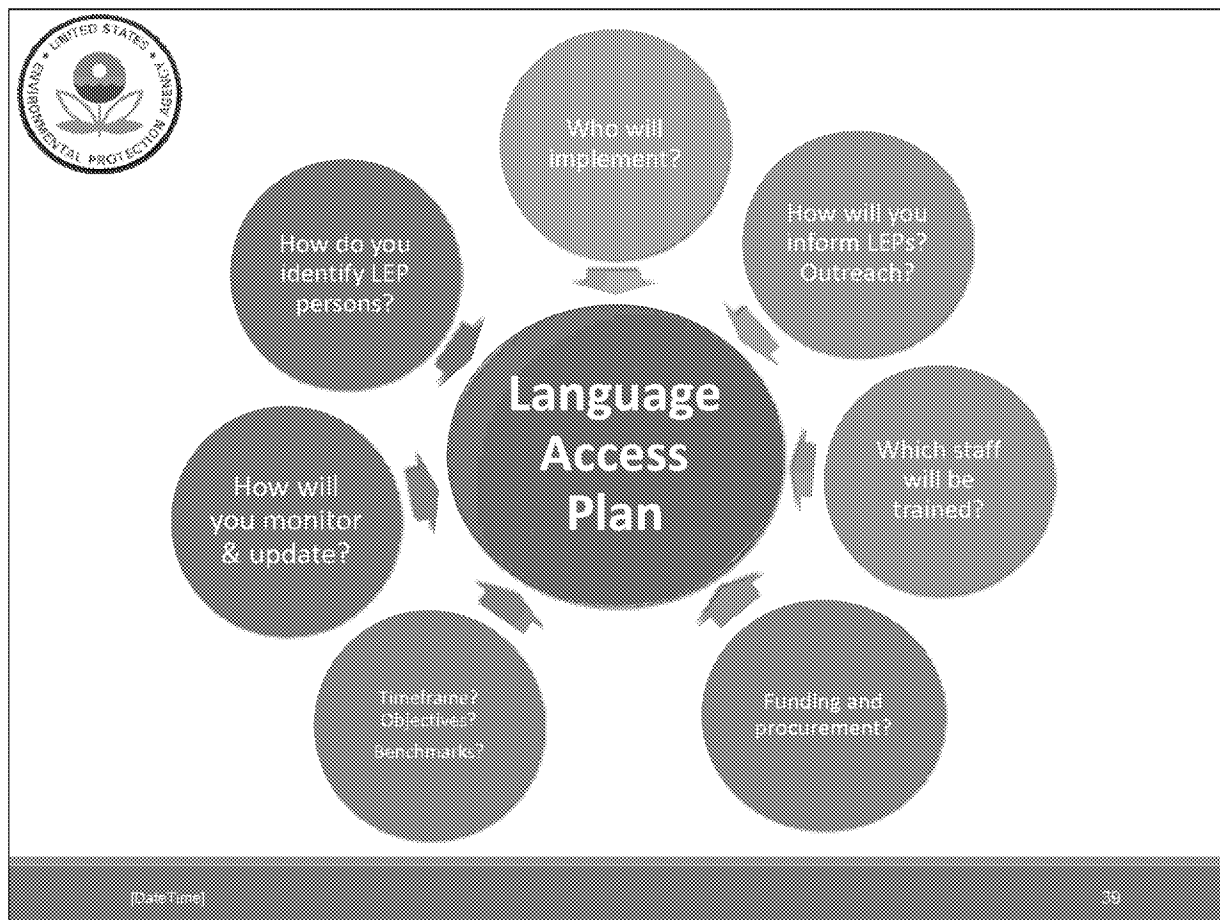
The plan is a management tool that provides an administrative blueprint for bringing a Recipient into compliance with language access requirements. The plan describes how a Recipient will meet the standards described in the policy directives, including how a Recipient will address the language service and resource needs identified in its self-assessment. It includes several key elements:

Identification of persons charged with implementing the plan. A plan should describe the management staff, workgroup, committee, or other Recipient staff that will be responsible for complying with the policy directives; developing and modifying the language access plan; and, establishing and implementing operational procedures. The plan should also detail chains of command for authority and oversight and explain any coextensive responsibility and coordination with other Recipients, divisions and offices.

2. Notice of language assistance services. A plan would also describe how to inform LEP individuals of the programs and services they may be eligible for and available language assistance services. This can include community outreach strategies. When language assistance services are not readily available, an LEP persons may not seek out Recipient benefits, programs, and services they are eligible for; may not provide beneficial information or file complaints; and may not have access to critical information provided by your Recipient. A self-assessment of the number of current LEP individuals that contact your Recipient also may significantly underestimate the need for language assistance services by LEP communities in your service area. Before you rule yourself out of interaction with LEP persons, the questions you should ask is – does the public interact with my program or activity? If the answer is yes, that's potential interaction with an LEP person.

In terms of community outreach, many Recipients will also have to develop or improve current outreach efforts to ensure they are providing the public and LEP individuals notice of available free language assistance services. To be effective this notice of free language assistance services will need to be provided in the non-English language of the LEP communities in the service area. This notice can come in many forms including translated signs in conspicuous locations at the Recipient office, notice translated into non-English languages on the main page of the Recipient website, as translated written notices sent to LEP households as part of regular Recipient correspondence, audio notices of free language services when LEP individuals call Recipient phone numbers, among many others. To ensure the outreach approach is effective, Recipients should coordinate

efforts with one another and with community based organizations that work with the LEP communities in the service area. Recipients should also share with one another promising practices and approaches to providing  outreach and notice of free language assistance services to LEP communities.

3. Training of staff on policies and procedures. It's not enough for an Recipient to have a plan on the books.  A plan is only as effective as the people who know about and can implement a language access plan.  An effective language access plan will discuss how and which staff will receive training on policies and procedures.
All employees should be trained as to the overall language access policy directive – what you described earlier.  Then all staff with potential contact with LEP individuals should be trained on things like: identifying an LEP individual; how to access an interpreter/translator; or how to track the language proficiency of an LEP person within existing data systems.  Interpreters, translators, or bilingual staff may have a different training that could focus on interpreter ethics or their professional responsibility as someone who provides language assistance services on behalf of a federal Recipient.

4. Identification of funding and procurement issues. This can often be overlooked.  While we know that Recipients must exercise discipline with resources in the current budget climate, it's also important to know that what we spend our money on gives us what we expect.  When we contract with a vendor for interpretation or translation services, we need to ensure that those contractors are delivering accurate translations or interpretations in a way that responds to our mission's needs. Building quality control through the procurement process can be an effective part of a language access plan.

5. A plan should also have a description of the timeframe, objectives, and benchmarks for the work to be undertaken.

6. What if there's a change in the types of LEP persons an Recipient encounters?  For example, what if an Recipient suddenly finds that they are serving more Amharic speaking people?  How does a language access plan respond to that change?
This is why it is important that a plan should also include a section that explains how and in what instances a Recipient monitors, reviews, and, if appropriate, modifies current language access plans, policies, and procedures.  For example, demographic shifts could affect the number or languages spoken by LEP individuals in your area.  Alternatively, you may get feedback from community groups that tell you that you're missing an important LEP community because of lack of translated materials.  Language access plans, as with other policies, evolve as the mission and focus of our work evolves.

7. And finally, Identification and assessment of LEP communities.  A plan should determine the number or proportion of eligible LEP persons from each language group that they encounter when administering the Recipient's programs or activities.  The plan should detail systems for data collection and management.

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# Plan on Language Assistance for LEP Persons

➢ After completing the four-factor analysis and deciding what language assistance services are appropriate, a recipient should develop an implementation plan to address the identified needs of the LEP populations they serve.

The following five steps may be helpful in designing an LEP plan and are typically part of effective implementation plans:

*1-Identifying LEP Individuals Who Need Language Assistance.*

*2-Identifying Language Assistance Measures.*

*3- Training Staff.*

*4-Providing Notice to LEP Persons.*

*5- Monitoring and Updating the LEP Plan.*

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# Identifying LEP Individuals Who Need Language Assistance

➢ The first two factors in the four-factor analysis require an assessment of the number or proportion of LEP individual eligible to be served or encountered and the frequency of encounters.

- ○ This requires recipients to identify LEP persons with whom it has contact. One way to determine the language of communication is to use language identification cards (or "I speak cards").

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# Language Assistance Measures

> An effective LEP plan would likely include information about the ways in which language assistance will be provided.
>> For instance, recipients may want to include information on at least the following: Types of language services available.
>> How staff can obtain those services.
>> How to respond to LEP callers.
>> How to respond to written communications from LEP persons.
>> How to respond to LEP individuals who have in-person contact with recipient staff.
>> How to ensure competency of interpretation and translation services.

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# Language Access Procedures

> **How staff:**

- ○ Track and record language preference information.

- ○ Inform LEP individuals about language assistance services.

- ○ Assess language needs.

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# Training Staff

> Staff should know their obligations to provide meaningful access to information and services for LEP persons. An effective LEP plan would likely include training to ensure that:

- Staff know about LEP policies and procedures.
- Staff having contact with the public are trained to work effectively with in person and telephone interpreters.
- Recipients may want to include this training as part of the orientation for new employees.
- Recipients have flexibility in deciding the manner in which the training is provided.
- Staff with little or no contact with LEP persons may only have to be aware of an LEP plan.

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# Providing Notice to LEP Persons

➤ Once the recipient has decided, based on the four factors, that it will provide language services, it is important for the recipient to let LEP persons know that those services are available and that they are free of charge.

Examples of notification that recipients should consider include:
- Posting signs in entry areas and points.
- Stating in outreach documents that language services are available from the agency or organization.
- Including notices in local newspapers in languages other than English.
- Providing notices on non-English language radio and television stations about the available language assistance services and how to get them.
- Presentations and/or notices at schools and religious organizations.

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# Monitoring and Updating the LEP Plan

➤ Recipients should, where appropriate, have a process for determining, on an ongoing basis, whether new documents, programs, services, and activities need to be made accessible for LEP individuals, and they may want to provide notice of any changes in services to the LEP public and to employees.

In addition, recipients should consider whether changes in demographics, types of services, or other needs require annual reevaluation of their LEP plan. Recipients may want to consider assessing changes in:

- Current LEP populations in service area or population affected or encountered.
- Frequency of encounters with LEP language groups.
- Nature and importance of activities to LEP persons.
- Availability of resources, including technological advances and sources of additional resources, and the costs imposed.
- Whether existing assistance is meeting the needs of LEP persons.
- Whether staff knows and understands the LEP plan and how to implement it.
- Whether identified sources for assistance are still available and viable.

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# Consider Tailoring Your Program According to:

➢ The Recipient's program or activity.

➢ The population served.

➢ The importance of the service provided.

➢ Available resources.

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# LEP Practices

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# EPA LEP Highlights

➢ The EPA's Web sites with translated materials
  ○ Spanish
    ❑EPA en Español https://espanol.epa.gov/
    ❑EPA's Bilingual Glossary (Spanish to English) Terms of Environment: Glossary, Abbreviations and Acronyms https://espanol.epa.gov/espanol/glosario-ambiental-bilingue for consistency in how the terms and acronyms are translated.

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# EPA LEP Highlights

➢ Chinese: Traditional

https://www.epa.gov/lep/traditional-chinese

➢ Chinese: Simplified

https://www.epa.gov/lep/simplified-chinese/

➢ Vietnamese

https://www.epa.gov/lep/vietnamese

➢ Korean

https://www.epa.gov/lep/korean

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# EPA LEP Highlights

➢Social Media

   ○Twitter EPA in Spanish
    http://twitter.com/#!/EPAespanol
   ○Facebook EPA in Spanish
    http://www.facebook.com/epaespanol

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# Resources

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# Resources

➢ Geographic Information
  ◦ Language Use: http://www.census.gov/topics/population/language-use.html

➢ LEP EPA
  ○ OCR: https://www.epa.gov/ocr
  ○ Assisting People with Limited English Proficiency:
    https://www.epa.gov/ocr/assisting-people-limited-english-proficiency
  ○ "Guidance to Environmental Protection Agency Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons":
    https://www.federalregister.gov/articles/2004/06/25/04-14464/guidance-to-environmental-protection-agency-financial-assistance-recipients-regarding-title-vi

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# Resources

➢Federal Interagency Working Group on LEP, http://www.lep.gov

➢Language Access Assessment and Planning Tool, http://go.usa.gov/jpJ

➢Common Language Access Questions, Technical Assistance, and Guidance, http://go.usa.gov/k1V

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THANKS!

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